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IAB # IV 2306747

SUMMARY OF INVESTIGATION

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IAB IV2306747
Lieutenant Joshua Bardon #[redacted]

SUMMARY:

On February 15, 2012, Subject [redacted] arrested [redacted] and [redacted] for multiple charges, including burglary, possession of burglary tools, and possession of methamphetamine. Subject [redacted] was assisted during the investigation and arrest by Witnesses [redacted], [redacted], [redacted], [redacted], and [redacted]. The arrest was documented in an Incident Report under URN 912-01973-0245-083 (**Exhibit A**).

In Mrs. [redacted] possession at the time of her arrest was a small black dog. Los Angeles County Animal Control was summoned to respond to the arrest location, but later gave an extended arrival time. [redacted] transported Mrs. [redacted] to East Los Angeles Station with her dog. [redacted] brought the dog to the dispatch area to await the arrival of Los Angeles County Animal Control.

Subject George Ruiz was assigned to the dispatch area during [redacted] shift on February 15, 2012, when the dog was brought into the station dispatch area. Also inside the dispatch area with Subject Ruiz were Witnesses [redacted] and [redacted] At one point, the dog was removed from the dispatch area and tied up at the wash bay by an unknown employee. Los Angeles County Animal Control arrived at the station, but did not take custody of the dog. Mr. [redacted] was released from custody on February 16, 2012, at 0040 hours, and Mrs. [redacted] was released on February 16, 2012, at 0210 hours.

On February 16, 2012, the [redacted] contacted Witness Daniel Lopez, the on-duty watch commander, who wrote Watch Commander's Service Comment Report 227359 (**Exhibit B**) after Mrs. [redacted] alleged she was missing gifts cards and one thousand dollars in United States currency.

On February 17, 2012, Mr. [redacted] contacted Witness Lopez again regarding their dog. Mr. [redacted] alleged their dog had been taken home by a deputy sheriff. Witness Lopez conducted an inquiry and learned Subject Ruiz had taken the dog home, fearing it would be euthanized (see the memorandum written by Witness Lopez under **Exhibit C**). Subjects Ruiz and [redacted] were subsequently relieved of duty due to the allegations.

On February 21, 2012, Internal Criminal Investigations Bureau (ICIB) opened a criminal investigation regarding the allegations by Mr. and Mrs. [redacted] ICIB Sergeants Eric Castano and Kelly Matthews conducted a criminal investigation between February 21, 2012, and November 8, 2012.

It was learned during the investigation that the [redacted] dog had been impounded by the Monterey Park Police Department on February 16, 2012, at approximately 0234 hours, from Subject Ruiz' residence. ICIB Sergeants Castano and Matthews conducted an interview with Witness [redacted], a [redacted], who received a call from Subject Ruiz regarding the dog, and dispatched a call to Subject Ruiz' residence. ICIB Sergeants Castano and Matthews also interviewed Witness [redacted], a police officer with the Monterey Park Police Department, who responded to Subject Ruiz' residence and impounded the dog. The [redacted] dog was subsequently transported to the San Gabriel Valley Humane Society. Pat Brayer, the president of the San Gabriel Valley Humane Society, confirmed the dog was housed on February 16, 2012, and later claimed by Mrs. [redacted] on February 17, 2012.

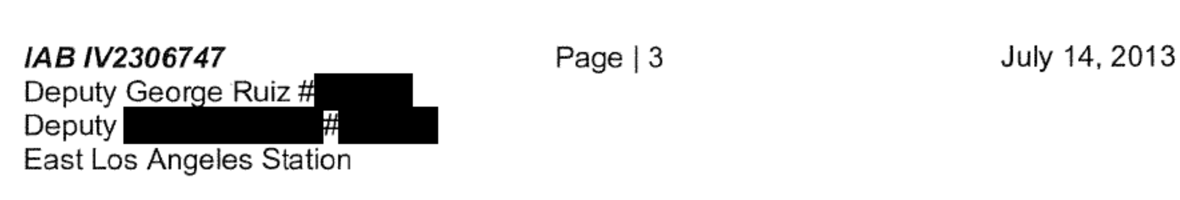
Interviews were also conducted with Witness [redacted], who was the Animal Care Attendant I that responded to East Los Angeles Station on February 15, 2012, and Witnesses Hernandez, [redacted] Astorga, [redacted] Gonzaga, and Zaredini. Subjects Ruiz and [redacted] declined to be interviewed.

Mr. [redacted] was interviewed, but Mrs. [redacted] refused to be interviewed. The [redacted] never provided any proof of loss to ICIB regarding the currency, electronics equipment, or gift cards, and remained less than cooperative. Their whereabouts are currently unknown.

The criminal investigation was memorialized in a supplemental report by Sergeant Castano under URN 912-00023-2003-441 (**Exhibit D**), and was later presented to the Los Angeles County District Attorney's Office for filing consideration.

On January 25, 2013, the Los Angeles County District Attorney's Office formally declined to pursue charges against Subjects [redacted] and Ruiz (see Los Angeles County District Attorney's Office Charge Evaluation Worksheet under **Exhibit E**).

After reviewing the documents and audio recordings related to the ICIB investigation, formal interviews were conducted with Subjects [redacted] and Ruiz. Several statements and accounts provided by Subject Ruiz contradicted witness accounts. Additional witness interviews were conducted to clarify statements given to ICIB, and to verify information derived from the subject interviews. The [redacted] were not interviewed due to their unknown whereabouts.



The following narratives are intended only as synopses of the interviews. Additional information and precise wording may be obtained by reviewing the audio recorded interviews, verbatim transcriptions, and ICIB interview summaries.

COMPLAINANT STATEMENTS:

Complainant [redacted]
ICIB Sergeants Castano and Matthews conducted an interview with Mr. [redacted] on August 3, 2012. Mr. [redacted] recalled being detained at the Billabong store, within the Citadel Outlets, by deputy personnel on February 15, 2012. He was escorted to a patrol vehicle and searched. His vehicle was then searched without permission. During the search, several loss prevention officers appeared to be directing the search and taking photographs. Mr. [redacted] was eventually arrested and transported to East Los Angeles Station.

Following his release from custody, Mr. [redacted] learned he was missing his cellular phone, two iPads, an iPad battery, and several gift cards. Mr. [redacted] stated his [redacted], [redacted] was also missing one thousand dollars in United States currency and gift cards. Also missing was their dog, a poodle and chihuahua mix named "Murphy." The dog was later found and recovered from the San Gabriel Valley Humane Society. The [redacted] learned from the shelter's staff that the dog had been impounded at the [redacted] of Subject Ruiz.

> **Investigator Note:** Mr. [redacted] often confuses the Montebello Police Department with the Monterey Park Police Department during the interview. The Monterey Park Police Department impounded the [redacted] dog from Subject Ruiz' [redacted]. The dog was later housed at the San Gabriel Valley Humane Society.

Mr. [redacted] further felt the methamphetamine found on Mrs. [redacted] had been planted, but could not provide any evidence or explanation. Mr. [redacted] stated Mrs. [redacted] had not used methamphetamine for over 15 years.

> **Investigator Note:** Mr. [redacted] consistently expressed distrust for law enforcement during the interview. Several of his statements during the interview alluded to Mr. [redacted]s mindset that he would be set-up by Department personnel, even during the complaint investigation process.

ICIB Sergeants Castano and Matthews tasked Mr. [redacted] with providing several evidentiary items related to his claims. Mr. [redacted] failed to furnish the requested items, and became uncooperative toward the end of the criminal investigation.

During his interview with ICIB, he stated he and his [redacted] were in the process of moving. Their whereabouts are currently unknown. I was unable to contact Mr. [redacted] regarding his allegations.

Complainant [redacted]
Mrs. [redacted] refused to be interviewed by ICIB, and could not be contacted during my investigation.

WITNESS STATEMENTS:

Witness Frank Parga, Jr.:
I conducted a formal interview with Witness Parga on May 9, 2013. Witness Parga was assigned to Unit 27T at East Los Angeles Station during [redacted] shift on February 15, 2012, between [redacted]. Witness Parga recalled responding to the Citadel Outlets during his shift regarding a burglary call. He arrived with Subject [redacted] and helped detain the [redacted] A search was conducted of the bags Mrs. [redacted] possessed, but Witness Parga never saw any of the items Mrs. [redacted] claimed were missing. The bags only contained clothes. Witness Parga did not recall Mr. [redacted] possessing any property on his person, specifically a cellphone. A search of the [redacted] vehicle was also conducted. Witness Parga was confident that all of the stolen items within the vehicle were recovered. Witness Parga didn't see any of the missing items inside the vehicle either. Neither of the [redacted] brought any claims of missing property to his attention during the incident. Witness Parga described the arrest and incident as being complex.

Witness Alan Soohoo:
I conducted a formal interview with Witness Soohoo on May 9, 2013. Witness Soohoo was assigned to Unit 27H at East Los Angeles Station during [redacted] shift on February 15, 2012, between [redacted]. He recalled responding to the Citadel Outlets during his shift regarding several calls related to a male and female involved in a theft. Upon his arrival, the [redacted] had already been detained pending a theft investigation. Also present during the investigation were Subject [redacted] Witnesses Parga, Zaredini, and Contreras, and several loss prevention personnel from the Citadel Outlets.

Witness Soohoo stated he assisted in the investigation by helping with the search of the [redacted] vehicle. Several identifiable stolen clothing items were recovered during the vehicle search. Witness Soohoo was confident no stolen items were left in the vehicle prior to towing. He also denied ever seeing any of the property the [redacted] reported missing. Witness Soohoo agreed the incident was complicated and time consuming.

Witness Ben Zaredini:
ICIB Sergeants Castano and Matthews conducted an interview with Witness Zaredini on October 20, 2012. Witness Zaredini confirmed he was one of the field units assigned to the Citadel Outlets call on February 15, 2012. He said he heard a call go out of a male and female either committing fraud or stealing merchandise from the Citadel Outlets. Although he was not assigned to the call, he assigned himself as "backup" because the suspects were last seen walking to a vehicle and were possibly going "mobile." When he arrived, the couple had already been detained.

He asked for and received permission to initiate writing the CHP-180 (**Exhibit H**) to assist the handling unit in towing the [redacted] vehicle. He was not able to wait for the tow truck's arrival, so he handed off the report and left the scene. He said all the writing above the tow truck driver's signature on the CHP-180 belonged to him, including the section that documents the vehicle's general condition and inventory. The rest of the document was filled out by someone else. He was not sure who he gave the report to, and said there were numerous deputies present at the scene when he left. He said he did not inventory what appeared to be several store shopping bags being removed from the vehicle by other deputies.

He saw bags sitting on the hoods of nearby radio cars, as well as still inside the vehicle. He was not too concerned with keeping track of these items, as the investigation was still "fresh" and the handling unit was responsible for keeping track of everything removed from the vehicle.

He described the scene by stating "it was chaos, there were people everywhere. The handling unit literally had his head spinning, because there was so much going on." He said there were a lot of people there, and a lot of people giving advice and information to Subject [redacted] He recalled some of the security guards "hovering around" the scene, wanting to provide information to Subject [redacted] He did not see any of them entering the [redacted] vehicle. He did not see anyone remove an iPad from the vehicle. He did not see anyone handling any money, and never saw the [redacted] dog.

Witness Hector Contreras:
ICIB Sergeants Castano and Matthews conducted an interview with Witness Contreras on November 5, 2012. He confirmed he was assigned to 27A during [redacted] shift on February 15, 2012. He responded to the Citadel Outlets, and upon his arrival, saw the [redacted] already being detained by other deputies. He "kept an eye on" the [redacted] while the handling unit, Subject [redacted] conducted his investigation. He recalled the couple had a small dog that resembled a chihuahua-mix, and initially he held onto the dog by its leash before handing it to Mrs. [redacted] Witness Contreras could not recall receiving any instructions regarding the handling of the dog.

Witness Contreras said there were numerous deputies at the scene of the call, as well as several uniformed and plain-clothes security guards he believed were associated with the Citadel Outlets. He noticed the [redacted] vehicle was parked in a handicapped stall, but he did not participate in searching the vehicle.

Witness Contreras remembered asking Subject [redacted] if both the [redacted] were in custody and, after receiving an affirmative response, he told Subject [redacted] he should call Animal Control for assistance in securing the dog. When Subject [redacted] agreed, Witness Contreras made the request. He said he believed he spoke to Witness [redacted] when he relayed the request. Witness Contreras eventually handed off the responsibility of caring for the dog and watching the [redacted] to another deputy, whom he did not remember, and left the scene.

Witness Rosemynn Gonzaga:
ICIB Sergeant Castano conducted an interview with Witness Gonzaga on October 20, 2012. Witness Gonzaga was assigned to Unit 24 at East Los Angeles Station during [redacted] shift on February 15, 2012, between [redacted] Sergeant Castano asked Witness Gonzaga if she remembered an arrest occurring at the Citadel Outlets during her shift on February 15, 2012. Witness Gonzaga remembered assisting with a female search and recovering narcotics. She recalled the female having a small dog with her, which she transported to the station dispatch area to await the arrival of Los Angeles County Animal Control. She brought the dog inside the dispatch area, but couldn't remember who took the dog from her. According to Witness Gonzaga, the dispatch personnel knew Animal Control was responding to take custody of the dog due to the owner's arrest. According to Witness Gonzaga, it appeared Mrs. [redacted] wanted to maintain possession of the dog.

Witness [redacted]
ICIB Sergeant Castano conducted an interview with Witness [redacted] on October 18, 2012. Witness [redacted] was assigned to [redacted] at East Los Angeles Station during [redacted] shift on February 15, 2012, between [redacted] Sergeant Castano asked Witness [redacted] if she recalled a dog being brought into the dispatch area during her shift on February 15, 2012. Witness [redacted] remembered a dog being brought into the dispatch area during her shift that evening.

Witness [redacted] recalled three related calls for service being dispatched to the Citadel Outlets in the city of Commerce. She was then contacted by Unit 27A, Witness Contreras, via [redacted], regarding a request for Animal Control because the suspects related to the call for service were being "detained" and possessed a dog. Witness [redacted] first called the City of Commerce, but their animal services were not on-duty. She then called Los Angeles County Animal Control. Animal Control advised they would have an extended arrival time to the Citadel Outlets and requested the dog be

brought to the station, pending their arrival. Witness [redacted] then advised Witness [redacted] of Animal Control's request.

Witness [redacted] later saw Unit 24, Witness Gonzaga, with a small black dog at the station. The Watch Deputy, Witness Hernandez, eventually saw the dog in the dispatch area and stated the dog could not be there, and took the dog to the wash bay area. Witness Hernandez returned to the dispatch area without the dog.

I conducted a second formal interview with Witness [redacted] on May 10, 2013. Witness [redacted] provided a similar account to her original interview with ICIB. She confirmed Subject Ruiz was inside the dispatch area when the [redacted] dog was brought into the dispatch area. The dog was positioned between the Complaint II terminal, where Subject Ruiz was seated, and the north wall of the dispatch area. She stated the dog was in close proximity to Subject Ruiz. She estimated the dog was inside the dispatch area between five and ten minutes. She described the dog as being well kept and having a leash.

> **Investigator Note:** Witness [redacted] account places Subject Ruiz inside the dispatch area when the dog was present, which is contradictory to Subject Ruiz' account.

Witness [redacted]

ICIB Sergeant Castano conducted an interview with Witness [redacted] on October 22, 2012. Witness [redacted] was assigned to [redacted] at East Los Angeles Station during [redacted] shift on February 15, 2012, between [redacted] Sergeant Castano asked Witness [redacted] if she recalled having contact with Animal Control regarding a dog that was brought into the station during her shift on February 15, 2012. Witness [redacted] remembered a dog being outside the station due to an arrest and that inmate workers were watching the dog. Animal Control had been called several times regarding the dog, but they continued to have an extended time of arrival.

Witness [redacted] was then asked if the dog was ever inside the dispatch area during her shift that evening. Witness [redacted] answered in the affirmative and stated everyone in the dispatch area was saying "how cute" the dog was. She described the dog as being small, and dark in color. Witness [redacted] stated conversations in the desk area pointed toward the dog belonging to someone who had been arrested. Witness [redacted] remembered Witness Astorga taking the dog outside. Witness [redacted] remembered seeing the dog at the station when she left for the night.

Witness [redacted] clearly recalled Subject Ruiz stating "I'll take it home - I'll take it home," while in the dispatch area, in reference to the dog. Witness Astorga replied to Subject Ruiz' statements by stating Animal Control was responding. Subject Ruiz then

stated "if nobody wants it (the dog), or they don't come (Animal Control), I'll take it." Witness [redacted] also remembered Subject Ruiz stating "I'll take it - it's cute - I'll take it." Witness [redacted] then laughed, stating she had replied by saying the dog was not cute. Witness [redacted] agreed everyone inside the dispatch area understood Animal Control was responding based on the repeated calls, and that the dog was related to an arrest and belonged to someone in custody.

I conducted a second formal interview with Witness [redacted] on May 9, 2013. Witness [redacted] provided a similar account to her original interview with ICIB. She confirmed Subject Ruiz was involved in conversations about the dog with other personnel inside the dispatch area, including the fact he'd take the dog home if no one else did. She described Subject Ruiz as having the dog in his lap, and that personnel inside the dispatch area, including Witness Astorga, were playing with the dog. According to Witness [redacted] it was apparent the dog had an owner. In her opinion, everyone inside the dispatch area knew the dog had an owner. She estimated the dog was inside the dispatch area for approximately 45 minutes to an hour.

> **Investigator Note:** Witness [redacted] account depicts several instances of Subject Ruiz interacting with the dog inside the dispatch area, expressing a willingness to take the dog, and reasonably having knowledge the dog's owners had been arrested, which is contradictory to Subject Ruiz' account.

Witness [redacted]:

ICIB Sergeant Castano conducted an interview with Witness Astorga on November 5, 2012. Witness [redacted] was assigned to [redacted] at East Los Angeles Station during [redacted] shift on February 15, 2012, between [redacted] Sergeant Castano asked Witness [redacted] if he recalled a dog being brought into the dispatch area during his shift on February 15, 2012. Witness [redacted] remembered Unit 27, Subject [redacted] making an arrest in the field, in which the suspects possessed a dog. The dog from the arrest was brought into the dispatch area by an unknown person, and was eventually placed in the wash bay area pending the arrival of Animal Control.

Witness [redacted] estimated the dog was inside the dispatch area between 30 minutes and an hour. Witness [redacted] stated everyone inside the dispatch area knew the dog was the property of a person arrested. Witness [redacted] could not recall who brought the dog to the wash bay area, but knew he hadn't. He described the dog as small and black. Witness [redacted] could not recall if Animal Control ever took the dog, and did not see the dog when he left for the night.

Witness [redacted] remembered working [redacted] during [redacted] shift on February 16, 2012, and receiving a call about a missing dog. He told the caller he had "no idea" regarding the whereabouts. Witness [redacted] stated Subject Ruiz then approached him and asked for advice, stating "I think I made a mistake." Witness [redacted] felt Subject Ruiz overheard his conversation with the dog owners and his belief that the dog was with Animal Control. Witness [redacted] inquired as to what Subject Ruiz was referring to. Subject Ruiz then stated he had taken the dog to someone's house and the owners were now looking for the dog. Subject Ruiz elaborated that he had a conversation with Animal Control about the dog being possibly euthanized, so he took the dog and tried to find it a "home" at his girlfriend or ex-girlfriend's house. Witness [redacted] then told Subject Ruiz "you can't do that" and asked where the dog was. Subject Ruiz then said "I've got the dog." Witness [redacted] then told Subject Ruiz to find the dog and bring it back to the station.

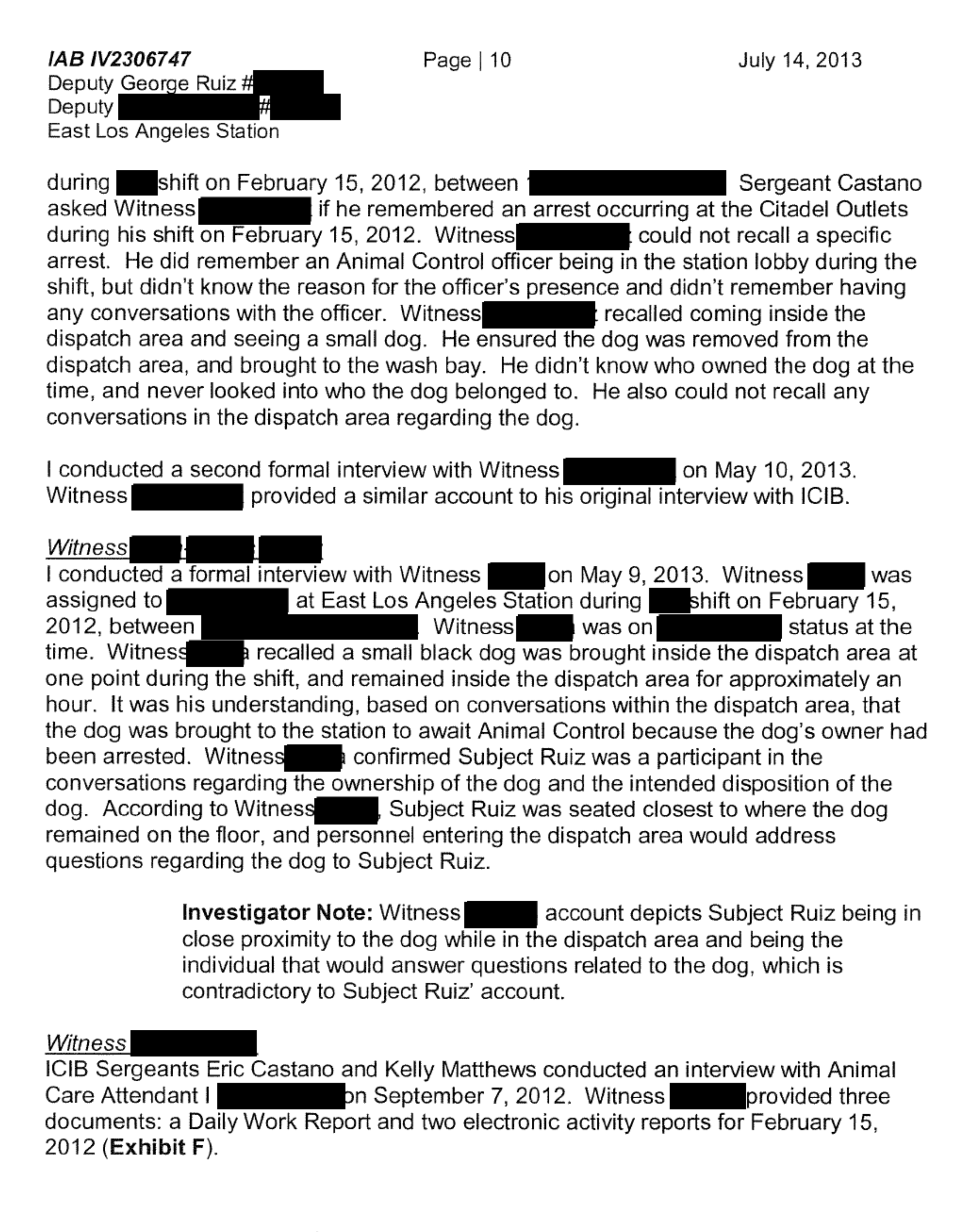
I conducted a second formal interview with Witness [redacted] on May 10, 2013. Witness [redacted] provided a similar account to his original interview with ICIB. Witness [redacted] confirmed Subject Ruiz was inside the dispatch area when the [redacted] dog was brought in. The dog remained in close proximity to Subject Ruiz. He estimated the dog remained inside the dispatch area for approximately half an hour. When asked about the events on February 16, 2012, Witness [redacted] stated he felt, based on Subject Ruiz' statements, that Subject Ruiz still possessed the dog.

> **Investigator Note:** On February 16, 2012, during [redacted] shift, Subject Ruiz had already given the [redacted] dog to the Monterey Park Police Department, and no longer had possession of the dog.

I then informed Witness [redacted] that Subject Ruiz had already placed the dog in the custody of an animal shelter at the time of their conversation. Witness [redacted] appeared to be surprised by my assertion. I then asked if Subject Ruiz ever provided him with any information regarding the whereabouts of the dog, in order to inform the owners. Witness [redacted] stated "no," and added Subject Ruiz stated he was going to "take care of it." Witness [redacted] never re-contacted the [redacted] regarding their dog.

> **Investigator Note:** Witness [redacted] account of his conversation with Subject Ruiz is contradictory to Subject Ruiz' account. According to Witness [redacted] he never knew the dog was at a shelter and was never provided additional information to inform the owners.

Witness [redacted]:
ICIB Sergeant Castano conducted an interview with Witness [redacted] on October 24, 2012. Witness [redacted] was assigned to [redacted] at East Los Angeles Station



during [redacted] shift on February 15, 2012, between [redacted] Sergeant Castano asked Witness [redacted] if he remembered an arrest occurring at the Citadel Outlets during his shift on February 15, 2012. Witness [redacted] could not recall a specific arrest. He did remember an Animal Control officer being in the station lobby during the shift, but didn't know the reason for the officer's presence and didn't remember having any conversations with the officer. Witness [redacted] recalled coming inside the dispatch area and seeing a small dog. He ensured the dog was removed from the dispatch area, and brought to the wash bay. He didn't know who owned the dog at the time, and never looked into who the dog belonged to. He also could not recall any conversations in the dispatch area regarding the dog.

I conducted a second formal interview with Witness [redacted] on May 10, 2013. Witness [redacted] provided a similar account to his original interview with ICIB.

Witness [redacted]

I conducted a formal interview with Witness [redacted] on May 9, 2013. Witness [redacted] was assigned to [redacted] at East Los Angeles Station during [redacted] shift on February 15, 2012, between [redacted]. Witness [redacted] was on [redacted] status at the time. Witness [redacted] recalled a small black dog was brought inside the dispatch area at one point during the shift, and remained inside the dispatch area for approximately an hour. It was his understanding, based on conversations within the dispatch area, that the dog was brought to the station to await Animal Control because the dog's owner had been arrested. Witness [redacted] confirmed Subject Ruiz was a participant in the conversations regarding the ownership of the dog and the intended disposition of the dog. According to Witness [redacted], Subject Ruiz was seated closest to where the dog remained on the floor, and personnel entering the dispatch area would address questions regarding the dog to Subject Ruiz.

> **Investigator Note:** Witness [redacted] account depicts Subject Ruiz being in close proximity to the dog while in the dispatch area and being the individual that would answer questions related to the dog, which is contradictory to Subject Ruiz' account.

Witness [redacted]

ICIB Sergeants Eric Castano and Kelly Matthews conducted an interview with Animal Care Attendant I [redacted] on September 7, 2012. Witness [redacted] provided three documents: a Daily Work Report and two electronic activity reports for February 15, 2012 (**Exhibit F**).

Investigator Note: The Daily Work Report includes Mr. [redacted] handwritten notes, indicating he arrived at the East Los Angeles Sheriff's Station at 1955 hours and left at 2010 hours, after making contact with an employee. The notes also indicate the call was resolved without a dog being impounded.

Witness [redacted] recalled he was assigned a call to respond to the Citadel Outlets to meet East Los Angeles deputies and take possession of a dog that belonged to a person under arrest. He arrived at the Citadel Outlets and spent several minutes looking for the deputies, but was unable to locate them. He completed the call and moved on to several other calls for service. He was dispatched another call, this time sending him to the East Los Angeles Sheriff's Station to pick up a dog. At the time, he was not aware the dog was the same as the one recovered at the Citadel Outlets.

When he arrived at the East Los Angeles Sheriff's Station, he made contact with an employee, but could not recall if he spoke to a deputy or another type of employee. He could not positively remember if he made contact with the employee inside the station or in the station parking lot, but he did remember seeing parked radio cars in the area where he parked his vehicle. He said someone told him the dog in question was either not there anymore or, "one of the sheriffs was going to take it home." Witness [redacted] indicated it was unusual for a deputy to take a dog home. He cleared his call and departed without the dog. He did not get any additional calls.

Witness [redacted] was asked if a healthy uninjured dog, belonging to someone under arrest, was in danger of being euthanized while the owner was held in jail. He explained it would be unlikely because when the Los Angeles Animal Control obtains a dog, every effort is made to determine if the dog has an owner. In the case of someone under arrest, he has learned to collect owner information from station personnel. Once a dog is impounded, there is a waiting period of between five to 10 days where Animal Control holds dogs exclusively for their owner. If the owner fails to claim the dog, it becomes the property of Animal Control, and a concerted effort is made to make the dog available for adoption. According to Witness [redacted] most dogs that are euthanized are sick, injured, or demonstrably dangerous.

Investigator Note: Witness [redacted] depiction of the potential for euthanasia and Animal Control's policies contradicted Subject Ruiz' account of the information he received.

Witness [redacted]

ICIB Sergeants Castano and Matthews conducted an interview with Monterey Park Police Department Dispatcher [redacted] on August 20, 2012. In regard to a call for service the Monterey Park Police Department received at 0225 hours on February 16, 2012, he stated the reporting party identified himself as "George Ruiz." The reporting

party requested a response to his residence due to a stray dog on his porch. Witness [redacted] asked the reporting party if he could deliver the dog to the police station due to field units being busy with other calls. When the reporting party was unable to do so, Witness [redacted] was given the call, and he arrived at Subject Ruiz' residence at 0234 hours.

Witness [redacted] was also asked about a call narrative he entered on February 21, 2012. He said he spoke with the dog's owner, Mrs. [redacted] on February 17, 2012. The owner was looking for her dog, and explained she had been arrested by East Los Angeles deputies in Commerce, who told her the dog was going to be taken to a shelter. Believing the Monterey Park Police Department may have responded to the East Los Angeles Sheriff's Station to pick up her dog, she wanted to know if the Monterey Park Police Department was in possession of her dog. Witness [redacted] recalled the call for service at the home of Subject Ruiz and concluded the dog recovered there belonged to the owner, Mrs. [redacted] He gave Mrs. [redacted] the San Gabriel Valley Humane Society phone number, as the dog had been transported there on February 16, 2012. This phone call was the only contact he had with the owners of the dog.

On February 21, 2012, he decided to add information to the original call, believing the information to be "pertinent." He said he did not have any contact with East Los Angeles Station personnel, and added more information to the call details because of the unusual circumstances surrounding the dog's movement from the custody of East Los Angeles Station personnel to a private residence, and then to the Monterey Park Police Department.

> **Investigator Note:** Monterey Park Police Department Lieutenant [redacted] provided ICIB with a recording of the initial call for service resulting in the dog's impound, as well as a recording of the conversation between Witness [redacted] and Mrs. [redacted]

Witness [redacted]

ICIB Sergeants Castano and Matthews conducted an interview with Monterey Park Police Officer [redacted] on August 15, 2012. He remembered responding to Subject Ruiz' residence and recovering a dog from "George Ruiz," at about 0230 hours on February 16, 2012. He remembered the dog was confined, but could not describe the house or how the dog was tied up. He did not recall any of his conversation with "George Ruiz."

> **Investigator Note:** According to Witness [redacted] call for service report and a Monterey Park animal impound document with serial number 14374 (**Exhibit G**), a dog was picked up at Subject Ruiz' residence by Witness [redacted] on February 16, 2012.

Witness Daniel Lopez:
ICIB Sergeant Castano conducted an interview with Witness Lopez on September 20, 2012. Witness Lopez stated he was the watch commander the night of the [redacted] arrest, February 15, 2012, but did not have any contact with them that night. He was contacted on February 16, 2012, by the [redacted] and documented their complaint on Watch Commander's Service Comment Report 227359 (**Exhibit B**) after Mrs. [redacted] alleged she was missing gift cards and one thousand dollars in United States currency. He was again contacted by Mr. [redacted] on February 17, 2012, regarding allegations a deputy had taken their dog home. Witness Lopez conducted a supervisor inquiry and contacted Subject Ruiz. Witness Lopez learned Subject Ruiz had taken the dog home, fearing the dog would be euthanized. Sergeant Castano asked Witness Lopez how he knew to contact Subject Ruiz regarding the dog. Witness Lopez replied Subject Ruiz was entrusted with safeguarding the dog, and he had seen Subject Ruiz caring for the dog while in the dispatch area.

SUBJECT STATEMENTS:

Subject George Ruiz:
I conducted a formal interview with Subject Ruiz on April 12, 2013 regarding his taking of the [redacted] dog. I established the following: Subject Ruiz had experience in dealing with and safeguarding different forms of property, including lost and found property, as well as property belonging to prisoners; Subject Ruiz had a competent knowledge of Animal Control's role and the impoundment of animals, specifically dogs; Subject Ruiz had experience in the field with animals, specifically dogs; Subject Ruiz describes himself as not being an "animal person," and does not own any animals; Subject Ruiz admitted to taking the [redacted] dog; Subject Ruiz believes he did nothing wrong in taking the dog.

Subject Ruiz remembered working the [redacted] on the night of February 15, 2012, but could not remember the exact time he was off-duty. He admitted to being inside the [redacted] throughout the night, but did not remember where he was seated. He acknowledged that while working the [redacted] area, personnel often engage in conversation, monitor the radio channels, and utilize the [redacted] system. Subject Ruiz could not recall any calls for service related to the arrest of the [redacted] He also could not recall a dog ever being brought into the desk area. He did remember a call to Animal Control requesting a response to East Los Angeles Station, but couldn't recall the reason for the request.

Subject Ruiz could not recall any conversations in the [redacted] regarding the dog or the arrest of the dog's owners. He also denied ever making a statement, while in the desk area, regarding his desire to take the dog home, stating "not that I remember."

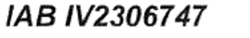
Investigator Note: Throughout the interview, Subject Ruiz repeatedly denied a dog was ever brought into the dispatch area. Subject Ruiz' account was contradictory to the statements provided by the witnesses inside the dispatch area. Several witness accounts point toward Subject Ruiz interacting with the dog while in the dispatch area, or at the minimum, being in close proximity to the dog while in the dispatch area. Witness [redacted] recalled a conversation involving Subject Ruiz, while in the dispatch area, in which Subject Ruiz stated he would take the dog home.

Subject Ruiz admitted to finding a dog, during the evening hours, at the wash bay of East Los Angeles Station. He stated he had gone outside to get some "air" and found the dog tied up by a leash at the wash bay. He described the dog as being small and black. He could not remember if the dog was wearing any other accessories. Subject Ruiz did not know how or why the dog was tied up at the wash bay, and didn't conduct an investigation. He also did not notify a supervisor. Subject Ruiz never drew an opinion as to the health of the dog or whether it was a stray.

Subject Ruiz remembered Animal Control arriving at the station while he was outside with the dog. He stated he had a conversation with the Animal Control Officer. He stated he asked the Animal Control Officer if he was there to take the dog, and the Animal Control Officer answered in the affirmative. He then asked, "What do you guys do with the dogs?" The Animal Control Officer answered, "We don't have any room for the dogs because there is so many." The Animal Control Officer then finished his answer by stating "we pretty much just put them all to sleep."

Investigator Note: During an interview with ICIB, Witness [redacted] the Animal Care Attendant I that responded to East Los Angeles Station on February 15, 2012, stated it was highly unlikely for a dog that belonged to someone under arrest, to be euthanized. He further stated most dogs that are euthanized are sick, injured, or demonstrably dangerous.

The Animal Control Officer examined the dog and stated the dog was really young. Subject Ruiz then asked the Animal Control Officer if he would be allowed to find the dog a home, and the Animal Control Officer answered in the affirmative. Subject Ruiz then made phone calls in an attempt to find someone willing to take the dog, but was unable to. Subject Ruiz then told the Animal Control Officer he would find the dog a home, so the Animal Control Officer departed, stating "That's better for the dog."



Subject Ruiz stated he has seen dogs tied up at the wash bay in the past, but never personally became involved. Subject Ruiz never thought to ask anyone regarding the dog because he figured Animal Control was there to take the dog.

Subject Ruiz admitted to taking the dog home when he was off-duty because the dog was still at the wash bay. Subject Ruiz stated he did not know the dog's owners had been arrested, and admitted to making no attempts to investigate why the dog had been tied up at the wash bay. Subject Ruiz stated he tried to find the dog a home with his brother. Subject Ruiz could not explain how possession of the dog would transfer if he found it home, and stated his only concern was that the dog would live. Subject Ruiz admitted to never making any reasonable and just efforts to find the dog's owners.

Subject Ruiz was unable to find the dog a home, so he called Animal Control from his residence because he couldn't personally watch the dog and felt the dog may actually have a chance at living, even with Animal Control. Subject Ruiz described the dog as a stray, and stated the dog had a leash, collar, and shirt. Subject Ruiz never identified himself as a deputy sheriff, and simply told the Monterey Park Police Dispatcher that the dog had walked up to his residential porch. Subject Ruiz could not recall any additional conversations with the dispatcher regarding the policies of Animal Control and the potential for euthanasia.

> **Investigator Note:** Subject Ruiz actually called the Monterey Park Police Department, who fields Animal Control calls after the normal hours of operation.

I then directed Subject Ruiz' attention to February 16, 2012, when he was assigned to the [redacted] on [redacted] shift at East Los Angeles Station as [redacted] [redacted] and [redacted] Subject Ruiz recalled overhearing a conversation involving Witness [redacted] about a black dog. He stated he approached Witness [redacted] and asked "Hey, you guys looking for that little black dog that was here?" Witness [redacted] answered in the affirmative. Subject Ruiz then told Witness [redacted] where the dog was, so the owners could locate the dog. Subject Ruiz stated he was happy to hear the dog would be with its owners, and felt no concern regarding his actions. Subject Ruiz denied ever stating he made a mistake. Subject Ruiz did not notify a supervisor because he felt nothing was wrong, and never documented his actions.

> **Investigator Note:** Witness [redacted] denied ever being provided with the whereabouts of the [redacted] dog.

Subject Ruiz did not feel his actions would have led to the owners being permanently deprived of their dog. Subject Ruiz did not feel he needed to investigate further regarding the dog because Animal Control was there to take the dog. Subject Ruiz could not provide any explanation for witness accounts contradicting his recollection of the dog being inside the [redacted] area.

Subject [redacted]

I conducted a formal interview with Subject [redacted] on April 12, 2013 regarding the allegations made by the [redacted] I established the following: Subject [redacted] had experience in dealing with and safeguarding different forms of property, including lost and found property, as well as property belonging to prisoners; Subject [redacted] had a competent knowledge of the policies and procedures related to the storage of vehicles; Subject [redacted] understands the importance of documenting the disposition of property belonging to prisoners; Subject [redacted] had minimal experience in the field with animals, specifically dogs; Subject [redacted] believes, with the benefit of hindsight, he could have improved his performance in certain areas during the arrest of the [redacted]

Subject [redacted] remembered working Unit 27 during [redacted] shift on February 15, 2012. Subject [redacted] recalled responding to the Citadel Outlets regarding three separate calls for service involving a male and female shoplifting, and using drugs. Subject [redacted] was the handling unit on the call. Subject [redacted] arrived at the location with an assisting unit, Witness Parga. Additional Sheriff's units arrived on scene shortly after. An informant at the location pointed out the [redacted] so Subject [redacted] and Witness Parga detained them and escorted them to awaiting patrol vehicles pending a theft investigation.

Based on witness accounts, and with the verbal consent of Mr. [redacted] a search was conducted of the [redacted] vehicle by Subject [redacted] Witness Parga, Witness Zaredini, and Witness Soohoo. Subject [redacted] could not recall any non-law enforcement personnel entering the [redacted] vehicle during the incident. The [redacted] were ultimately arrested for burglary based on several witness accounts, recovered stolen merchandise, and the possession of specific burglary tools. All of the recovered stolen items and items of evidentiary value were later booked into evidence at East Los Angeles Station. The personal property of the [redacted] was later booked as well.

The [redacted] vehicle was towed away and stored due to the arrest, and the fact the vehicle could not have remained in the private parking lot. Personal items that were not deemed to be stolen, or of evidentiary value, were left in the vehicle. Subject [redacted] stated Witness Zaredini prepared the CHP-180 (**Exhibit H**), but his name was placed on the form. Subject [redacted] admitted he did not document an inventory of the

personal property on the CHP-180.

A custodial search of Mrs. [redacted] was conducted by Witness Gonzaga, and a baggie of methamphetamine was recovered from her person. Subject [redacted] took possession of the methamphetamine and later booked it into evidence. Mrs. [redacted] also had three purses in her possession. Subject [redacted] searched the purses and only found personal hygiene items.

During the search of the purses, Mrs. [redacted] kept claiming she had one thousand dollars inside her purse, but could not direct Subject [redacted] to where the money was. Subject [redacted] never found the money or any gift cards inside the purses. He also denied ever taking any items from the purses and placing them inside the vehicle prior to towing. The purses were later booked as bulk property.

Subject [redacted] stated Mrs. [redacted] continuously claimed her money was missing, even during the booking process. Subject [redacted] did not summon a supervisor in the field, but believes he may have alerted a supervisor about the claims while at the station. Subject [redacted] recognized the liability related to a claim of missing money. Subject [redacted] denied ever seeing any of the alleged missing property, either inside the [redacted] vehicle or on their persons.

Subject [redacted] recalled Mrs. [redacted] was carrying a small black dog when she was detained. It was apparent to Subject [redacted] that the dog belonged to Mrs. [redacted] An assisting unit, who Subject [redacted] believed to be Witness Contreras, took possession of the dog and transported it to East Los Angeles Station to await Animal Control. Subject [redacted] later saw an Animal Control truck at the station, and assumed the dog had been impounded. Subject [redacted] never followed up to ensure the dog was impounded by Animal Control, and didn't document his actions related to the dog in his arrest report.

> **Investigator Note:** Based on my investigation, Witness Gonzaga actually transported the [redacted] dog to East Los Angeles Station and left it inside the dispatch area.

Subject [redacted] described the scene of the arrest as being chaotic with several deputy personnel and private security personnel present, and stated it was hard to control. Subject [redacted] had been working patrol for approximately one year at that time, and felt overwhelmed by the incident, based on the complexity of the crime and the amount of personnel on scene. However, Subject [redacted] wanted to take on the challenge to gain experience.

Subject [redacted] recalled being contacted by Witness Lopez on February 16, 2012, regarding the [redacted] complaint about missing property. Witness Lopez directed him to go search the [redacted] vehicle at the tow yard and attempt to locate the gift cards that were allegedly missing. Subject [redacted] was unable to locate any of the alleged missing property during his search. I then asked Subject [redacted] about a statement he made, according to the memorandum prepared by Witness Lopez (**Exhibit C**), in which gift cards were removed from Mrs. [redacted] purse and placed inside the [redacted] vehicle prior to towing. Subject [redacted] denied he made the statement, stating Witness Lopez provided a similar hypothetical to him, but he only said such a hypothetical scenario was possible.

> **Investigator Note:** I conducted a follow-up with Witness Lopez and he agreed the statement within his memorandum could have been a miscommunication.




County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

October 23, 2013

[redacted]

Deputy George Ruiz, #[redacted]
[redacted]

Dear Deputy Ruiz:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business November 14, 2013.

An investigation under IAB File Number IV2306747, conducted by East Los Angeles Sheriff's Station, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/040.35, Money and Property of Others; and/or 3-01/040.40, Misappropriation of Property; and/or 3-01/040.45, Safeguarding Money, Property, and Evidence, on or about February 15, 2012, you failed to conform to the standards established for your position as a deputy sheriff and/or station watch deputy when you took possession of a dog belonging to [redacted] and [redacted] who were in the custody of the Los Angeles County Sheriff's Department and failed to ensure that the animal was properly safeguarded as their property until they were able to arrange for its safekeeping. Your efforts to place the dog with a third party ultimately jeopardized the well-being of the animal as you caused the animal to be considered a stray when you arranged for the animal to be confiscated and placed in the custody of the San Gabriel Valley Humane Society. You admitted you did not attempt to find the owner of the animal. You were named as a suspect

in a theft investigation report (Sheriff's Uniform report Number 912-00023-2003-441). Your conduct was contrary to the Core Values of the Department as you failed to exercise the integrity expected of a law enforcement officer and or exercise wisdom in the performance of your duties. Your conduct caused undue embarrassment and eroded the public's confidence in the Department, and brought discredit to yourself and/or the Department.

2. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 12, 2013, you failed to make full, complete and/or truthful statements and/or made false statements during your administrative interview, as evidenced by, but not limited to:

   a) denying having any knowledge of the dog owners; and/or

   b) denying any knowledge of the dog being inside the dispatch area; and/or

   c) denying having a conversation or making statements regarding the dog while it was in the dispatch area; and/or

   d) stating you discovered the animal tied up in the wash bay at the facility; and/or

   e) stating your motivation for taking the animal into your possession was to protect it from being euthanized; and/or

   f) denying that you stated to Deputy [redacted] that, "I think I made a mistake," when you disclosed information to Deputy [redacted] regarding the dog.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Kevin Goran, on November 7, 2013, at 1400 hours, in his office, which is located at 4700 Ramona Boulevard, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to November 7, 2013, for your oral response, please call Chief Goran's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Goran's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Goran's office by no later than November 14, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E Ault

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:PMP:cj

c: Advocacy Unit
Employee Relations Unit
Chief Kevin A. Goran, Central Patrol Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File IV2306747)

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY / MISDEMEANOR	AGENCY NAME: LASD - INTERNAL CRIMINAL	DA CASE NO. 33809428	DATE 01/25/2013
	AGENCY FILE NO. (DR OR URN): 912-00023-2003-441	DA OFFICE CODE: J.S.I.D. #12-0758R	VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

LAST NAME: GUTIERREZ

FIRST NAME: RAUL

DA CASE NUMBER: 33809428

SUSP NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)): [redacted]	PC	487(A)	02/15/2012	B
	DOB: / SEX (M/F): M / BOOKING NO.:	VIP -- Yes X No			
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
2	NAME (LAST, FIRST MIDDLE)): RUIZ, GEORGE	PC	487(A)	02/15/2012	B
	DOB: / SEX (M/F): M / BOOKING NO.:	VIP -- Yes X No			
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
3	NAME (LAST, FIRST MIDDLE)):				
	DOB: / SEX (M/F): / BOOKING NO.:	VIP -- Yes -- No			
	Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
SHANNON PRESBY/ap	[signature]	169735	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): ERIC CASTANO FILING OFFICER (SIGNATURE): Mailed 2/1/13 SERIAL #: [redacted]

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)			
A. Lack of Corpus	D. Victim Unavailable/Declines To Testify	H. Other (indicate the reason in Comments section)	L. Prosecutor Prefiling Deferral
B. Lack of Sufficient Evidence	E. Witness Unavailable/Declines to Testify	I. Referred to Non-California Jurisdiction	*DISTRICT ATTORNEY'S REASON CODES*
C. Inadmissible Search/Seizure	F. Combined with Other Counts/Cases	J. Deferred for Revocation of Parole	M. Probation Violation filed in lieu of
	G. Interest of Justice	K. Further Investigation	N. Referred to City Attorney for Misdemeanor Consideration

DECLINATION MEMORANDUM

TO: JSID # 12-0758R

THROUGH: JAMES GARRISON, Head Deputy
Justice System Integrity Division

FROM: SHANNON PRESBY, Assistant Head Deputy
Justice System Integrity Division

RE: LASD Deputy [redacted] #[redacted]
LASD Deputy George Ruiz, #[redacted]
LASD # 912-00023-2003-441

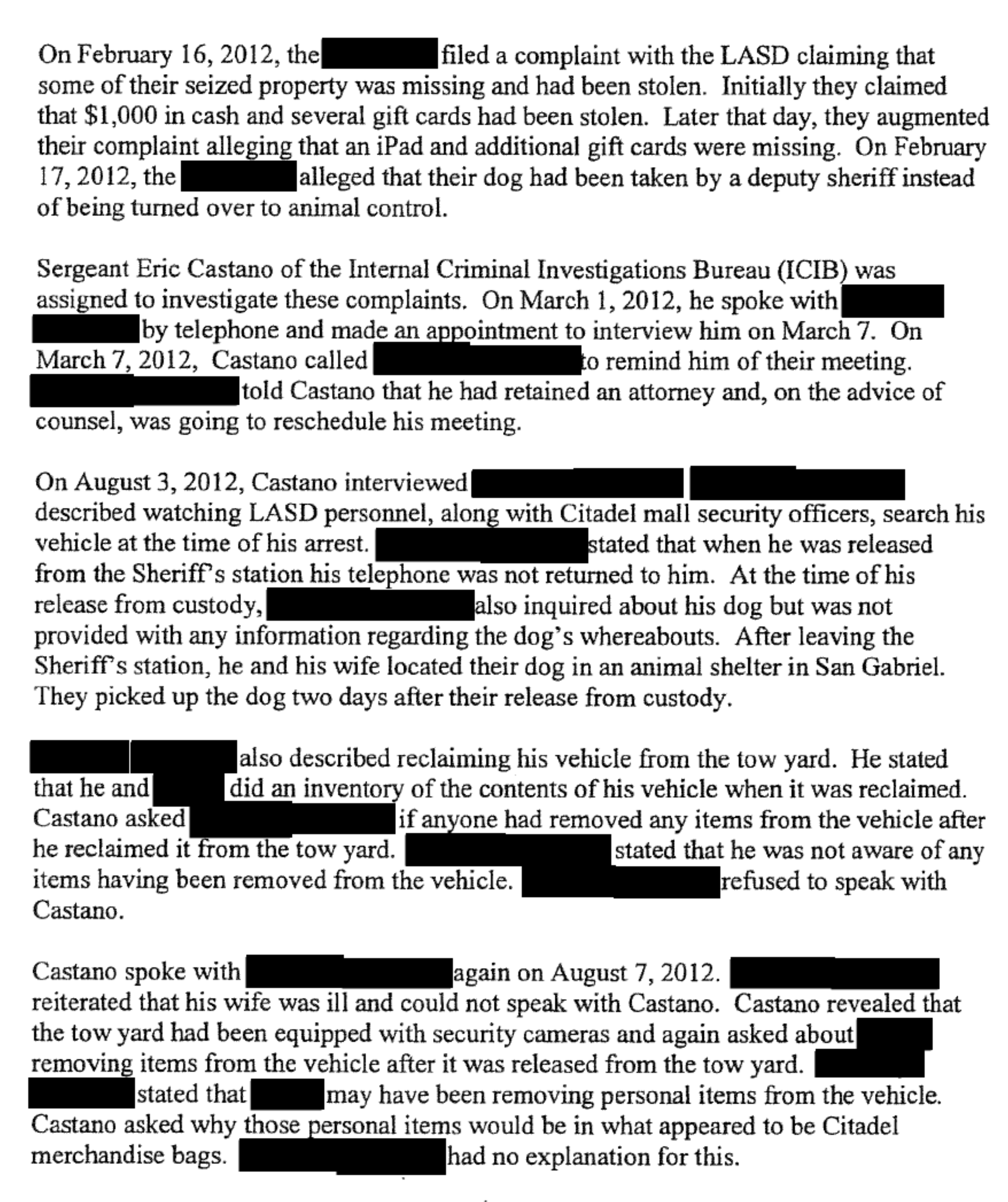
DATE: January 23, 2013

The Justice System Integrity Division has completed its review of allegations that Los Angeles County Sheriff's Department (LASD) Deputies [redacted] and George Ruiz committed grand theft by stealing items, including a dog, from [redacted] and [redacted] For the reasons that follow we decline to initiate criminal proceedings.

On February 15, 2012, Deputies [redacted] and George Ruiz arrested [redacted] and [redacted] for commercial burglary, possession of burglar's tools and possession of methamphetamine. Incident to their arrest, the [redacted] vehicle was impounded and stored at Citywide Towing tow yard. At the time they were arrested, the [redacted] possessed a dog which was seized by LASD personnel.

On February 16, 2012, the [redacted] a man named [redacted] and another male went to Citywide Towing to reclaim the impounded vehicle. While they were in the office, Deputy [redacted] arrived at the tow yard to conduct a search of the vehicle. When [redacted] [redacted] and the other male saw [redacted] they left the office. [redacted] remained in the office and objected to [redacted] searching his vehicle but was prevented from intervening by tow yard personnel. [redacted] searched the vehicle but did not remove any property.

After [redacted] completed his search of the vehicle, tow yard personnel began to process the vehicle for release. They moved the vehicle out of the tow yard lot and parked it just outside of the gate. Video surveillance footage shows [redacted] and [redacted] removing Citadel bags from the back of the vehicle and hiding them behind a trailer. After the impounded vehicle was released and driven away, [redacted] returned to the tow yard in a different vehicle and retrieved the hidden bags.



On February 16, 2012, the [redacted] filed a complaint with the LASD claiming that some of their seized property was missing and had been stolen. Initially they claimed that $1,000 in cash and several gift cards had been stolen. Later that day, they augmented their complaint alleging that an iPad and additional gift cards were missing. On February 17, 2012, the [redacted] alleged that their dog had been taken by a deputy sheriff instead of being turned over to animal control.

Sergeant Eric Castano of the Internal Criminal Investigations Bureau (ICIB) was assigned to investigate these complaints. On March 1, 2012, he spoke with [redacted] by telephone and made an appointment to interview him on March 7. On March 7, 2012, Castano called [redacted] to remind him of their meeting. [redacted] told Castano that he had retained an attorney and, on the advice of counsel, was going to reschedule his meeting.

On August 3, 2012, Castano interviewed [redacted] [redacted] described watching LASD personnel, along with Citadel mall security officers, search his vehicle at the time of his arrest. [redacted] stated that when he was released from the Sheriff's station his telephone was not returned to him. At the time of his release from custody, [redacted] also inquired about his dog but was not provided with any information regarding the dog's whereabouts. After leaving the Sheriff's station, he and his wife located their dog in an animal shelter in San Gabriel. They picked up the dog two days after their release from custody.

[redacted] also described reclaiming his vehicle from the tow yard. He stated that he and [redacted] did an inventory of the contents of his vehicle when it was reclaimed. Castano asked [redacted] if anyone had removed any items from the vehicle after he reclaimed it from the tow yard. [redacted] stated that he was not aware of any items having been removed from the vehicle. [redacted] refused to speak with Castano.

Castano spoke with [redacted] again on August 7, 2012. [redacted] reiterated that his wife was ill and could not speak with Castano. Castano revealed that the tow yard had been equipped with security cameras and again asked about [redacted] removing items from the vehicle after it was released from the tow yard. [redacted] stated that [redacted] may have been removing personal items from the vehicle. Castano asked why those personal items would be in what appeared to be Citadel merchandise bags. [redacted] had no explanation for this.

LEGAL ANALYSIS

Theft is the taking and carrying away of the personal property of another with the intent to permanently deprive the owner of its possession. Penal Code § 484; see also, CACRIM No. 1800. In 2012, a theft of property valued in excess of $950 constituted grand theft. Penal Code § 487; CALCRIM No. 1801.

The taking and carrying away of a dog, which is of a value not exceeding $950 constitutes petty theft. Penal Code § 487f.

CONCLUSION

The [redacted] claim that several items which were present in their vehicle at the time they were arrested were not returned to them. The evidence presented, however, calls into question the veracity of those claims. Surveillance video from the tow yard shows [redacted] and [redacted] removing bags from the vehicle and hiding them from Deputy [redacted] These hidden bags were recovered by [redacted] after Deputy [redacted] left the tow yard. When confronted with these facts, [redacted] was unable to explain what those bags contained or why they were hidden from Deputy [redacted] and then recovered after he left the tow yard. It cannot be proven beyond a reasonable doubt that any items seized by Sheriff's personnel were in fact unlawfully taken from the [redacted] Nor can it be established that that the items secreted by [redacted] and [redacted] were not the items that the [redacted] claim were stolen.

The [redacted] also claim that their dog was unlawfully taken. Based on the available information it appears that the [redacted] dog was taken from the Sheriff's station by Deputy George Ruiz instead of being immediately turned over to animal control. The dog was later turned over to Montery Park Animal Control and reclaimed by the [redacted] While the taking of the dog is puzzling, given that fact that the dog was quickly turned over to animal control, there is insufficient evidence to establish that this taking was done with an intent to permanently deprive the [redacted] of the dog.

For these reasons, we decline to instigate criminal proceedings. We are closing our file and will take no further action in this matter.



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

December 9, 2015

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***GEORGE RUIZ*** *for a hearing on his* ***discharge****, effective January 8, 2014, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 14-12**.

The Civil Service Commission, at its meeting held on December 2, 2015 approved findings in the above-entitled case. The petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: George Ruiz
Mitchell Kander
Adrienne Herrera
Barbara Miller

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

*In the matter of the **discharge**, effective January 8, 2014, from the position of Deputy Sheriff, Sheriff's Department, of* **GOERGE RUIZ** **(Case No. 14-12)**	ORDER OF THE CIVIL SERVICE COMMISSION

On December 2, 2015, the Civil Service Commission of the County of Los Angeles overruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Barbara Miller, to sustain the Department.

Dated this 9th day of December, 2015.

Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

JOHN DONNER, Member



RECEIVED
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COMMISSION

COUNTY OF LOS ANGELES

CIVIL SERVICE COMMSSION

In the Matter of the Appeal of:

GEORGE RUIZ

Appellant

And

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

Respondent

CASE NO. 14-12

HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION

Before: Barbara E. Miller, Hearing Officer

Appearances: Green & Shinee by Mitchell Kander, Attorney, for Appellant; Peterson – Bradford – Burkwitz by Avi Burkwitz, Attorney, for Respondent.

Background and Jurisdictional Information

Effective the close of business on January 8, 2014, George Ruiz (Appellant) was discharged from his position as a Deputy for the County of Los Angeles Sheriff's Department (Respondent or Department). The charges against Appellant stem from a series of events, beginning with his taking home, without authorization, a small dog which belonged to someone in custody, followed by his being less than forthcoming about his handling of the dog.

Appellant filed a timely appeal and an evidentiary hearing was convened on September 30, 2014, and January 26 and 28, 2015. The parties were given an opportunity to examine and cross-examine witnesses and to present documentary evidence. The parties filed post-hearing briefs and the matter was transmitted to the undersigned for Decision to be filed on April 14, 2015.

Issues

The issues framed by the Civil Service Commission are:

1. Are the allegations in the letter of discharge true?
2. If so, is the discipline appropriate?

Position of the Parties

The Department contends that George Ruiz, Appellant, took a dog from the East Los Angeles Sheriff's Station, knowing it belonged to individuals in custody, with the intent of keeping it or giving it to a third party. Thereafter, Appellant decided not to keep the dog, but instead of returning it, he handed it over to a different law enforcement agency, without providing accurate information regarding how he came to be in possession of the dog. In investigations which ensued, Appellant was consistently dishonest about his knowledge and his actions.

Appellant maintains that he did not know the dog belonged to anyone. He thought it was a stray that was going to be euthanized. He took it in an effort to save it and only gave it up when he could not find a suitable placement.

Summary of Evidence

Many of the salient facts in this case are not in dispute. On February 15, 2012, [redacted] and [redacted] were arrested at the Citadel Shopping Center in Commerce, California. The Los Angeles County Sheriff's Department processed the arrest. The couple had a small black dog, Murphy, who had a leash, a harness, and t-shirt. Murphy weighed less than 10 pounds and was approximately six months old.

Although the Los Angeles County Department of Animal Care and Control (Animal Control) was called and asked to come to the Citadel to pick up Murphy, no one arrived before Sheriff's Department personnel were ready to clear the scene. As a result, Murphy accompanied [redacted] to the East Los Angeles Sheriff's Station. Ms. [redacted] was placed in a holding cell and Murphy was taken to the dispatch area, to await the arrival of Animal Control.

Appellant, whose regular assignment was patrol, was assigned to work in the [redacted] area on the night in question because of an injured thumb. Appellant was not happy with the detail, believing he was capable of being in the field. When he described his night in [redacted] he said he didn't know what he was doing.

There were a number of people working in and coming in and out of the dispatch area during Appellant's shift. The dog was in the [redacted] area thirty minutes to one hour. He was tied up during part of that time, but was held and played with for part of the time. According to [redacted] a Law Enforcement Technician, Animal Control was called and told to come to the station.

[redacted] testified that the three to six people working in the dispatch area, and specifically the Appellant, knew the reason for the dog's presence and openly discussed it. She testified that Appellant interacted with Murphy, who sat in his lap. He said the dog was cute, and said he would take it home if Animal Control did not come.[1] Appellant alternatively claimed that he did not see the dog, heard no discussion about the dog, or that he did not remember seeing the dog. Appellant does not remember interacting with it.

At some point, the Watch Deputy, [redacted] ([redacted])[2], stated that the dog did not belong in [redacted] and directed that it be put outside in the wash bay area where it would be secure until Animal Control arrived. There was some discussion that trustees would keep an eye on the dog, but the area was apparently not secured.[3]

---

1 [redacted] was also working in the [redacted] area that night and told investigators that everyone in the [redacted] area knew the dog was the property of a person arrested

2 At the time of the Hearing herein, [redacted] was a Sergeant.

3 The wash bay was beyond the parking lots on the property. Questions were asked by the undersigned in an effort to determine if a member of the public could simply tie up dog in the wash bay area. Although unlikely, it apparently was possible.

At around 8 p.m. Appellant went out to the wash bay area, stating that he walked there just to take a break and get some air because he was uncomfortable working the [redacted] and didn't really know what he was doing. He testified that it was there that he noticed the dog for the first time. Appellant testified that he had no knowledge of dogs, did not know how to care for dogs, and he made no particular observations about the dog. At around the same time Appellant went to the wash bay area, Animal Control arrived.

The paper work for the dog pick-up clearly indicated that the owners were in custody. Appellant said he engaged [redacted] an Animal Care Attendant, in conversation and understood that the dog would most likely be euthanized after a short period of time because the shelter had no room. In fact, the dog would ordinarily be held at least five to ten days while efforts were made to locate an owner. In the instant case, the dog would have been held at least that long, giving the owners an opportunity to make arrangements.

Appellant said he told [redacted] that he would take the dog and find a good home for it.[4] Appellant claims [redacted] said that would be better for the dog. [redacted] does not recall being told that Appellant was planning on placing the dog. Indeed, [redacted] remembered very little about the call. Even though he was only an Attendant, he would have known that was improper.

Appellant made no effort to ascertain if someone in the station owned the dog. He did not ask people in dispatch, he did not ask the trustees, he did not ask the representative from Animal Control why he was picking up the dog. In his interview with Internal Affairs, Appellant claimed that he didn't ask

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[4] As noted above, on February 15, 2012, [redacted] was not an Animal Control Officer. He was an Animal Care Attendant. Personnel in that classification are usually involved in activities at the shelter itself, but may be sent out to the field to get experience to enhance promotional opportunities or when staffing is an issue. [redacted] had no recollection of the conversation with Appellant or what happened at the wash bay at the East Los Angeles Sheriff's Station on February 15, 2012. He was not asked about the propriety of allowing Appellant to take the dog.

because he assumed that since Animal Control was there the dog was going to be destroyed. There is no dispute that the dog had a harness, a leash, and a t-shirt.

Appellant did not get off work until 2 a.m. on February 16,. The interviews with Appellant suggest that he left the dog in the wash bay until his shift was over. He said that he was not able to keep the dog but he was trying to find someone who could. Appellant did not specifically identify any person he contacted. He said he called people but they did not answer or did not call him back, maybe because it was late. He said he did not remember who he might have contacted.[5] There is no dispute that Appellant did not have a safe alternative placement for the dog when he left work at 2 a.m.

Appellant was staying at [redacted] in Monterey Park and arrived there shortly after 2 a.m. since [redacted] far from the East Los Angeles Station. Appellant's [redacted] also lived at that residence. As a back-up plan, Appellant thought [redacted] could care for the dog. The [redacted] allegedly said he could not care for the dog because he also cared for rabbits and he did not know how the dog would interact with the rabbits. Appellant claimed he did not ask [redacted] because they were sleeping.

Concluding he had no choice, at 2:23 a.m. Appellant called either the San Gabriel Humane Society or the Monterey Park Police Department. The record is not entirely clear. In any event, since the Humane Society was closed, the call eventually went through to the Monterey Park Police Department's dispatcher, [redacted]. Appellant reported that a stray dog was on his front porch and he needed it picked up. [redacted] said they were very busy and asked if Appellant could bring in the dog. He declined to do so. The police department dispatched someone to Appellant's house and custody of the

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[5] Appellant attributed his bad memory to the passage of time. The record reflects, however, that he didn't remember any details shortly after the events in question.

dog was transferred. Appellant did not provide any information to the Monterey Park Police Department regarding the circumstances which led to his having the dog. He did not disclose that he was a Sheriff's deputy.

Appellant testified that he could not keep the dog because he knew nothing about dogs and he had to work the next day. He gave the dog to the Monterey Park Police Department at around 2:30 in the morning. He did not need to report to work until late in the afternoon. He offered no explanation as to why he could not deal with the dog in the morning.

Early in the morning on February 16, 2012, the [redacted] were released from custody and began looking for Murphy. Later in the day, [redacted] contacted the East Los Angeles station and spoke to [redacted] a Watch Deputy that day, who had also worked on February 15, 2012, in close proximity to Appellant. [redacted] reported that he could not find his dog. [redacted] told him that it had been picked up by Animal Control, something he believed to be true based on the calls to Animal Control the day before.

Appellant overheard [redacted] side of the above-described phone call. Appellant claims he approached [redacted] and told him he took home the dog, could not find it a home, and that Monterey Park had the dog. According to [redacted] Appellant also said the dog was a gift for [redacted] or [redacted] a statement Appellant denied. According to Appellant, [redacted] said he would take care of it. According to [redacted] Appellant said he thought he had made a mistake, that he knew where the dog was, and that he would take care of it. [redacted] told Appellant to talk to Lieutenant Daniel Lopez (Lopez), the Watch Commander, and tell him what happened.

There is no evidence that Appellant initiated a conversation with Lopez or that he did anything to ensure that the dog and its owners were reunited. Appellant claims that he thought the matter was settled. The [redacted] would

get Murphy and he had done nothing wrong. Although the [redacted] did not testify at the hearing, the entire record supports the conclusion that they called around to various animal shelters and police departments and were finally advised by [redacted] the dispatcher at the Monterey Park Police Department, that Murphy might be with the San Gabriel Humane Society.

Murphy was reunited with its owners and the [redacted] sought information about the person who had "rescued" him. They were given the address and when they went to the house, they learned that the "rescuer" was a Deputy Sheriff. At that point, the [redacted] concluded that Appellant had stolen their dog from the East Los Angeles Sheriff's station.

The next day, on February 17, 2012, Lopez called Appellant, and advised him that the [redacted] claimed he had attempted to steal their dog. There had also been a charge that the Department had failed to return gift cards, cash, and some merchandize. There was no suggestion that Appellant was involved in those allegations. A criminal investigation was undertaken regarding all the allegations.

In the investigation conducted by the Internal Criminal Investigation Bureau (ICIB) and then Internal Affairs, Appellant denied seeing the dog in dispatch, denied knowing it was owned by individuals in custody, and alleged that he took the dog merely to save its life.

Discussion and Reasons for Decision

Appellant was charged with various violations of Department policy. Taking the dog, the Department maintains, would not necessarily have been a dischargeable offense. The gravamen of the charge was Appellant's refusal or inability to be honest about the events. Assuming, arguendo, Appellant did not know the dog belonged to an identifiable person when he took it to [redacted] home, once he gained that knowledge, on February 16, 2012, he took no action

to ensure that the dog was reunited with its owners.

With this record, however, it is impossible to conclude that Appellant was not cognizant of Murphy's circumstances. [redacted] was a strong witness for the Department. With confidence and with no agenda, she testified that Appellant played with the dog, had the dog in his lap, and said the dog was cute. According to [redacted] he further stated he would take it home with him if Animal Control did not arrive. Thus, Appellant's repeated statements that he never saw the dog until he wandered out to the wash bay to get some fresh air are found to be dishonest. Even if Appellant did not know or failed to register that Murphy's owners were in custody, the dog had a harness, a leash, and a shirt. A reasonable person would make some inquiry regarding why the dog was there, in a section of the police station not ordinarily frequented by the public. His accessories suggested he was not a stray.

There can be no satisfactory explanation for Appellant's behavior after he took possession of the dog. He claimed that he took the Murphy to keep him safe and yet within thirty minutes of the end of his shift, in the middle of the night, he pulled busy Monterey Park Police Department employees off patrol to come take the dog so it could be sent to a different shelter. Appellant did not even inquire regarding whether the next shelter would keep the dog longer.

Appellant's behavior after he learned that the [redacted] were looking for Murphy is not the conduct one would expect from a law enforcement officer sworn to protect and serve. He knew they were looking for their dog and did nothing to communicate where they could find it. [redacted] testimony that he told Appellant to talk to the Lieutenant is credited. [redacted] would hardly offer to take care of a matter that was not of his making and about which he had little or no information. It was Appellant's responsibility and his failure to personally rectify the situation was a profound form of dishonesty, which

fortunately had no long term consequences for Murphy. Appellant's failure to take affirmative action to return Murphy to his owners also evidences disrespect for the rights of others.

Maybe Appellant was concerned that he had made a mistake, maybe he didn't know what to do, maybe he was concerned about his job, but throughout the investigation and the hearing herein, he did not say that. He merely stated that he thought it would work out and they would find their dog.

The Department charged Appellant with violations of its policies with regard to Professional Conduct, General Behavior, and three polices regarding the handling of money or personal property. The Professional Conduct policy provides, in relevant part, as follows:

> All Department members shall be held accountable for their utterances, writings, conduct . . . when they conflict with Our Core Values, Our Mission, or Our Creed, and personnel can reasonably be identified as Department members. Personnel who cause undue embarrassment or damage the reputation of and/or erode the public's confidence in the Department shall be deemed to have violated this policy and be subject to counseling and discipline.

The Department established a myriad of violations of the above enumerated polices. Taking Murphy, without authorization, was a misappropriation of the [redacted] property. When the fact that he had taken the dog was discovered, he did not take responsibility for his misconduct, dishonestly withheld information about it, and embarrassed the Department in the eyes of the Monterey Park Police Department, and the [redacted] Appellant's conduct taxed the resources of another law enforcement agency and animal shelter. Appellant never persuaded the undersigned that he appreciated the seriousness of his misconduct.

Appellant is also charged with making false statements during the

Department's investigation of this matter. The letter of discharge specifies an interview which took place in April 2013. It's not clear why the false and misleading statement allegations are so restrictive, but the Department, nevertheless established those charges as well.

Without doubt, Appellant knew the dog was in the dispatch area and his first contact with Murphy was not in the wash-bay area. There is no way to make this pretty. He lied. Although there was certainly talk about Murphy's owners being in custody, it is not clear what did and did not register with Appellant, who clearly wanted to be in the field and was flummoxed at being in dispatch. No evidence was produced to suggest that Appellant was ill, or had some other reason for being distracted. It must be concluded that he knew the dog had in-custody owners and somehow didn't recognize that Murphy was personal property that had to be returned.

It is also alleged that Appellant was dishonest when he said he took the dog to protect it from being euthanized. If that had been Appellant's true and honest motivation, it is inconceivable that he would then had turned around and placed it with another animal shelter, making no inquiry whatsoever as to that shelter's policy with regard to euthanasia.

Appellant said he tried to find a home for the dog but could not identify a single person, other than his brother, with whom he tried to place the dog. Moreover, Appellant was making these alleged efforts in the late evening and early morning. He involved the Monterey Park Police Department at around 2:30 a.m. Appellant did not have to be at work until 4 p.m. that day. Someone with a true concern for Murphy's well being would have kept him until morning and tried to find a home then. Appellant's inexplicable behavior belies his explanation for the entire transaction.

Penalty

The Department maintains that Appellant was discharged because of his dishonesty with regard to the events which began on February 15, 2012, and with making false statements in an interview in 2013. Although his taking the dog home was inappropriate and unfortunate, the Department states discharge might not have been necessary. Appellant's failure to take responsibility for his conduct, and to honestly explain it, are the facts that are antithetical to a job in law enforcement.

The factors for the Commission to consider in determining a just penalty were set forth in *Skelly* v. *State Personnel Board* (1975) 15 Cal.3d 194:

> [T]he overriding consideration in these cases is the extent to which the employees conduct resulted in, or if repeated is likely to result in [h]arm to the public service. (Citation.) Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence.

Even when it is unlikely that specific dishonest conduct will occur again, discharge may be appropriate. It is well settled that sworn law enforcement officers are held to a higher standard than civilian employees.

In the instant case, Appellant's conduct resulted in harm to the Los Angeles Sheriff's Department and the public. Individuals whose property was entrusted to the Department properly understood that it had been appropriated by a Department member and then turned over to an animal regulation facility that had no obligation to its continued safety. In that transaction, Appellant failed to communicate the circumstances which led to his having Murphy. Withholding that information is tantamount to dishonesty and could have impacted the fate of the dog. The actions of Appellant were irresponsible and cast the Department in a negative light.

Appellant was also dishonest and not trustworthy when he did not fully disclose information about Murphy when he heard the [redacted] were looking

for their dog. If he had innocently taken the dog, to save its life, as he claims, he should have jumped at the chance to reunite it with his owners. Instead, he communicated half truths to Astorga and then washed his hands of responsibility.

It is well settled that peace officers are held to the highest standards of honesty and integrity. This standard of conduct is based on the following fundamental principle enunciated in *Christal v. Police Commission of the City and County of San Francisco* (1939) 33 Cal.App.2d 564, 567:

> [Peace] officers are the guardians of the peace and security of the community, and the efficiency of our whole system, designed for the purpose of maintaining law and order, depends upon the extent to which such officers perform their duties and are faithful to the trust reposed in them.

In *Kolender v. San Diego County Civil Service Commission* (2005) 132 Cal. App. 4th 716, the Court stated:

> A deputy sheriff's job is a position of trust and the public has the right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer. Honesty, credibility, and temperament are crucial to the performance of an officer's duties. Dishonesty is incompatible with the public trust.

Having failed up to and through the hearing in this matter, to provide any credible explanation for his conduct, there is no reason to believe that remediation is possible or necessary. Discharge is the appropriate penalty.

Findings of Fact

1. On February 15, 2012, George Ruiz (Appellant) was a Deputy Sheriff, assigned to the East Los Angeles Station. His shift was from [redacted] On that date, he was given a [redacted] on the desk in the dispatch area.

2. On February 15, 2012, [redacted] and [redacted] were arrested at the Citadel Shopping Center. They had a small dog, Murphy, in their possession. Animal Control was called to come to the Citadel but did not arrive before the scene was cleared.

3. The wife and dog were transported to the East Los Angeles Sheriff's Station. A member of the Department brought Murphy into the dispatch area where he remained for at least thirty minutes, possibly one hour.

4. Appellant was present when the status of Murphy was discussed. He was present when it was stated that the owners were in custody and that Animal Control had been called to pick up the dog.

5. Appellant played with the dog, said it was cute, and said he would take it home if Animal Control did not arrive.

6. [redacted] the Watch Deputy that night, directed that Murphy be taken out of dispatch and placed in the wash-bay area.

7. At around 8 p.m., Appellant left dispatch and went to the wash-bay area just as Animal Control was getting ready to impound the dog.

8. Appellant had a discussion with the representative from Animal Control. He was told that after a brief holding period the dog could be euthanized. Appellant said he was going to take the dog and give it a good home.

9. The paperwork indicated that dog's owners were in custody but the attendant from animal control did not object to Appellant taking the dog.

10. Appellant did not make contact with any friends or relatives to see if they would take the dog while he was on duty.

11. Appellant left the station at 2 a.m. and arrived at his parents' house, where he was staying, shortly thereafter. Appellant's [redacted] said he could not care for the dog.

12. At 2:23 a.m., Appellant called the Monterey Park call center and was referred to the Police Department. Appellant told the dispatcher that there was a stray dog on his porch and he needed them to pick it up.

13. When the police arrived, Appellant did not disclose that he was a Deputy Sheriff or the circumstances that led to his having the dog.

14. The Monterey Park Police Department kept the dog until the morning when it was transferred to the San Gabriel Humane Society.

15. On February 16, 2012, [redacted] contacted the East Los Angeles Sheriff's Station because he could not find his dog. [redacted] the watch Deputy on that shift, told them it was with Animal Control.

16. Appellant heard part of that phone conversation and told [redacted] he had taken the dog. [redacted] told him to talk to the Lieutenant and take care of it.

17. Appellant did not talk to the Lieutenant.

18. The [redacted] called numerous cities and Animal Shelters and eventually, the dispatcher at the Monterey Park Police Department told them their dog might be at the San Gabriel Humane Society.

19. The [redacted] wanted to thank the person who had rescued their dog but they learned that a Sheriff's Department employee had taken it home.

20. The [redacted] claimed Appellant stole their dog and a criminal investigation was initiated.

21. In an interview with the Internal Affairs Bureau in April 2013, Appellant gave false and misleading answers to the questions asked.

22. The Appellant met the dog in the dispatch area, Appellant knew the dog belonged to individuals in custody, and Appellant's actions were not motivated by a desire to save the dog's life.

Conclusions

1. Respondent established, by a preponderance of the evidence, that Appellant misappropriated property, a small dog, belonging to individuals in custody, for personal use, when it was the duty and responsibility of the Department to safeguard said dog.

2. Respondent established, by a preponderance of the evidence, that Appellant was unable or unwilling to adequately or honestly explain his possession and then his disposition of the dog.

3. Respondent established that Appellant made false and misleading statements during his interview with Internal Affairs.

4. Respondent established that it did not abuse its discretion when it discharged Appellant.

Recommendation

Based upon the record herein, the standards established by the Department, and the discretion permitted the Department, the Decision to discharge Appellant was appropriate and should be sustained.

Dated: April 12, 2014 5 BQ

Barbara E. Miller

BARBARA E. MILLER
Hearing Officer



County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

January 9, 2014

Deputy George Ruiz, #[redacted]

Dear Deputy Ruiz:

On October 23, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2306747. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on January 8, 2014.

An investigation under File Number IAB 2306747, conducted by East Los Angeles Sheriff's Station, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/040.35, Money and Property of Others; and/or 3-01/040.40, Misappropriation of Property; and/or 3-01/040.45, Safeguarding Money, Property, and Evidence, on or about February 15, 2012, you failed to conform to the standards established for your position as a deputy sheriff and/or station watch deputy when you took possession of a dog belonging to [redacted] and [redacted] who were in the custody of the Los Angeles

County Sheriff's Department and failed to ensure that the animal was properly safeguarded as their property until they were able to arrange for its safekeeping. Your efforts to place the dog with a third party ultimately jeopardized the well-being of the animal as you caused the animal to be considered a stray when you arranged for the animal to be confiscated and placed in the custody of the San Gabriel Valley Humane Society. You admitted you did not attempt to find the owner of the animal. You were named as a suspect in a theft investigation report (Sheriff's Uniform report Number 912-00023-2003-441). Your conduct was contrary to the Core Values of the Department as you failed to exercise the integrity expected of a law enforcement officer and or exercise wisdom in the performance of your duties. Your conduct caused undue embarrassment and eroded the public's confidence in the Department, and brought discredit to yourself and/or the Department.

2. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 12, 2013, you failed to make full, complete and/or truthful statements and/or made false statements during your administrative interview, as evidenced by, but not limited to:

a) denying having any knowledge of the dog owners; and/or

b) denying any knowledge of the dog being inside the dispatch area; and/or

c) denying having a conversation or making statements regarding the dog while it was in the dispatch area; and/or

d) stating you discovered the animal tied up in the wash bay at the facility; and/or

e) stating your motivation for taking the animal into your possession was to protect it from being euthanized; and/or

f) denying that you stated to Deputy [redacted] that, "I think I made a mistake," when you disclosed information to Deputy [redacted] regarding the dog.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

KEVIN A. GORAN, CHIEF
CENTRAL PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

KAG:RAA:AEA:bs

c: Advocacy Unit
Kevin A. Goran, Chief, Central Patrol Division
James P. Wolak, Captain, East Los Angeles Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Judy A. Gerhardt, Captain, Personnel Administration